

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-3-05

WHEREAS, BMS OJUS, LLC applied to Community Zoning Appeals Board 2 for the following:

- (1) RU-3M & IU-1 to IU-1

REQUEST #1 ON PARCEL I

- (2) RU-3M to BU-2

REQUEST #2 ON PARCEL II

SUBJECT PROPERTY: PARCEL I: The south 155' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' and south 10' thereof and also less the external area of a 25' radius circular curve concave to the Northwest and being tangent to the east line of said Tract "A" and tangent to the north line of the south 10' of Tract "A". AND: PARCEL II: The north 155' of the south 310' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' thereof.

LOCATION: The Northwest corner of N.E. 195 Street & West Dixie Highway, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 2 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard at which time the applicant proffered a Declaration of Restrictions which among other things provided:

That said Property shall be developed substantially in accordance with the plans previously submitted, entitled "Proposed Self Storage Facility for BMS Ojus, LLC" prepared by Blitstein Design Associates, consisting of ten (10) sheets, dated stamped received August 9, 2004, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 2 that the requested district boundary changes to IU-1 on parcel I (Item #1) and BU-2 on parcel II (Item #2) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted and said application was approved by Resolution No. CZAB2-4-04, and

WHEREAS, **OJUS HOMEOWNERS' ASSOCIATION, INC.** appealed the decision of Community Zoning Appeals Board 2 to the Board of County Commissioners for the following:

- (1) RU-3M & IU-1 to IU-1

REQUEST #1 ON PARCEL I

- (2) RU-3M to BU-2

REQUEST #2 ON PARCEL II

SUBJECT PROPERTY: PARCEL I: The south 155' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' and south 10' thereof and also less the external area of a 25' radius circular curve concave to the Northwest and being tangent to the east line of said Tract "A" and tangent to the north line of the south 10' of Tract "A". AND: PARCEL II: The north 155' of the south 310' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' thereof.

LOCATION: The Northwest corner of N.E. 195 Street & West Dixie Highway, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted entitled "Proposed Self Facility for BMS Ojus, LLC" prepared by Blitstein Design Associates, consisting of ten (10) sheets, dated stamped received August 9, 2004, except sheets A-1, L-1, and L-2, which are dated stamped received August 12, 2004, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
2. That the Owner shall fund and construct in the public right-of-way the streetscape improvements described in the document entitled Streetscape: Design Standards for Ojus, Florida, said document being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement. The streetscape improvements shall consist of trees, sidewalks, sod, and street lights ("Improvements"). The Owner shall fund and construct the improvements in the following locations: the east and west sides of West Dixie Highway adjacent to the Property; the north side of N.E. 195th Street adjacent to the Property; and the east and west sides of N.E. 26th Avenue adjacent to the Property.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 2 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the requested district boundary changes to IU-1 on parcel I (Item #1) and BU-2 on parcel II (Item #2) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted and that the grounds and reasons made by Community Zoning Appeals Board 2 in Resolution No. CZAB2-4-04 were insufficient to merit a reversal of the decision and that the appeal should be denied and the decision of Community Zoning Appeals Board 2 should be sustained, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, approve Items #1 and 2, and to deny the appeal and sustain the decision of Community Zoning

Appeals Board 2 was offered by Commissioner Sally A. Heyman, seconded by Commissioner Carlos A. Gimenez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	absent	Dorin D. Rolle	aye
Jose "Pepe" Diaz	absent	Natacha Seijas	absent
Carlos A. Gimenez	aye	Katy Sorenson	absent
Sally A. Heyman	aye	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested district boundary changes to IU-1 on parcel I (Item #1) and BU-2 on parcel II (Item #2) be and the same are hereby approved.

BE IT FURTHER RESOLVED that the appeal be and the same is hereby denied and the decision of Community Zoning Appeals Board 2 is sustained.

BE IT FURTHER RESOLVED that Resolution No. CZAB2-4-04 remains in full force and effect.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 24th day of February 24, 2005, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 04-10-CZ2-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: RAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 9TH DAY OF MARCH, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

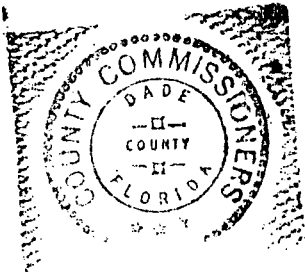
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-3-05 adopted by said Board of County Commissioners at its meeting held on the 24th day of February, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 9th day of March, 2005.



Earl Jones, Deputy Clerk (4149)
Miami-Dade County Department of Planning and Zoning

SEAL



March 4, 2005

BMS Ojus, LLC
c/o Michael Larkin
First Union Financial Center
200 South Biscayne Blvd.
Suite 850
Miami, FL 33131

Re: Hearing No. 04-10-CZ2-2
Location: The Northwest corner of N.E. 195 Street
& West Dixie Highway, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-3-05, adopted by the Board of County Commissioners, which accepted your Declaration of Restrictions, approved Items #1 & 2, and denied the appellant's appeal and sustained the decision of Community Zoning Appeals Board 2 on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **March 4, 2005**. In the event an appeal is filed; any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,



Earl Jones
Deputy Clerk